UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/C.12/1994/SR.6
9 May 1994

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Tenth session

SUMMARY RECORD OF THE 6th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 4 May 1994, at 3.00 p.m.

Chairperson: Mr. ALSTON

later: Mr. ALVAREZ VITA

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GE.94-16495 (E)

The meeting was called to order at 3.20 p.m.

CONSIDERATION OF REPORTS (agenda item 4) (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT

Initial report of Uruguay (continued) (E/1990/5/Add.7; E/C.12/1993/WP.8)

1. The CHAIRPERSON invited the delegation of Uruguay to reply to the questions raised on articles 13 and 14 in the list of issues (E/C.12/1993/WP.8), which read:

> "20. Is the right of everyone to compulsory and free primary education being fully realized in Uruguay for all categories of the population and, if not, what measures are being taken and which specific arrangements are being made for the most vulnerable groups: children of low-income groups, children in rural areas, children of immigrants, children belonging to linguistic, racial, religious or other minorities and physically or mentally disabled children?
>
> 21. What factors and difficulties affect the realization of the right to general, technical and vocational secondary education and what is the percentage of young people benefiting from this type of education?
>
> 22. What measures are being taken gradually to introduce free higher education?
>
> 23. What measures are being taken to encourage and intensify fundamental education for persons who have not received or completed the whole period of their primary education? Please describe adult literacy programmes.
>
> 24. What measures are being taken to establish an adequate fellowship system for all types of education?
>
> 25. Can you indicate what material conditions are provided for teaching staff: what is the position of teachers in the general wage scale? To what extent do teachers take part in the formulation of educational plans?
>
> 26. What is the ratio of public schools to private schools? Is there full freedom to establish and direct educational institutions?"

2. Mr. CHABEN (Uruguay) said that article 70 of the Constitution of Uruguay made education, whether at the primary, intermediate, agricultural or industrial level, compulsory. Compulsory education lasted nine years. Article 71 expounded the social expediency of free education at all levels. Some 94.82 per cent of the population had either attended school or was still going through the educational system and on average 80 per cent of the population had attended intermediate school.

3. Measures had been taken on behalf of the less privileged sectors of the population, including the establishment of full-time schools with a broader timetable and full canteen facilities. There had been difficulties in providing intermediate education to the rural population. By way of a solution, a special committee had been set up to try to provide education suited to rural conditions of life and work.

4. Uruguay's long-standing commitment to free and secular education meant that there had been few difficulties in realizing the right to general, technical or vocational secondary education.

5. Higher education in the State sector, including the University of the Republic and the various teacher training and further training institutions, was free at all levels.

6. Mrs. JIMENEZ BUTRAGUEÑO asked what Uruguay had done in terms of continuing education for adults, including retraining, and the percentage of mature students in university education.

7. Mr. CHABEN (Uruguay) said that in higher education, including intermediate education, morning, afternoon and evening shifts had been established, to enable working adults to have access to education at times best suited to their schedules.

8. Mrs. RIVERO (Uruguay) said that despite the many facilities available, very few people actually needed to return to education. The Central Governing Council and its subsidiary body the National Adult Education Department were responsible for adult education programmes specifically tailored to people who, for whatever reason, had been unable to complete their formal education. The Training and Production Centre provided non-formal education for young people between the ages of 14 to 24.

9. The Government of Uruguay had taken measures to help low-income groups to continue in education. Although education was free, the incidental costs often deterred such groups from studying. In the past, higher education had tended to be concentrated in Montevideo. Therefore, efforts were being made to decentralize, although not all subjects were available in the provinces. Grants were provided for students from low-income families and from outside Montevideo. Reasonably priced canteen facilities were also available. To qualify for a grant, students not only had to be from a low-income family, but also to achieve good grades in their studies. All students qualified for half-price travel on public transport in Montevideo. Students' hostels were available, with priority going to students from outside the capital.

10. Mr. TEXIER said that according to UNICEF, Uruguay was suffering from major social and cultural inequalities, which severely handicapped the poorest sectors of the population and explained the high drop-out rate of students and pupils from that sector. He therefore requested information on what Uruguay was doing to remedy the situation.

11. Table 9 in the initial report of Uruguay (E/1990/5/Add.7) showed a considerable decline in teachers' salaries between 1973 and 1988. Social conflict, even strikes, had become widespread as teachers demanded pay increases. He asked how Uruguay was dealing with the problem and if there had been any improvement since 1988. Furthermore, had there been any follow-up to calls for constitutional reform, including the introduction of a minimum wage for teachers and a five-year budget? He also asked for a breakdown of public and private education, what requirements private schools were obliged to meet and if they had to respect national State education programmes and curricula.

12. Mrs. RIVERO (Uruguay) said that the Government of Uruguay had taken extensive measures to improve the situation of vulnerable and low-income groups and their access to education. Measures included full-time schools with three shifts, extended hours and the introduction of what were known as priority attention schools (escuelas de atención prioritaria). Children with learning or other difficulties were given special assistance, including the supervision of homework, and canteen facilities were available to ease the economic burden on their families.

13. Teachers of all levels had traditionally been an important sector in the middle class in Uruguay. However, remuneration in recent years had fallen drastically. Teachers had resorted to industrial action, calling strikes at the most strategic and disruptive times in the academic year.

14. The Government was well aware of the need to increase the budgetary allocations for the education sector. However, ever-increasing demands on its resources from other quarters left the Government with its hands tied.

15. It was hoped that a reform programme which was currently under discussion would be approved at the next parliamentary session, following the elections.

16. Private education was a relatively new phenomenon in Uruguay, the first establishments opening only four years previously. At present, the number of private educational establishments was low.

17. Mr. CHABEN (Uruguay) said that prior to 1985, the teaching profession had seriously declined as a result of low pay and a general fall in prestige. There had since been a slight improvement but teachers' pay remained a bone of contention.

18. Major investment in the education infrastructure had recently been made to try and remove social inequalities, improve the physical structure of education and raise teachers' pay. For example, $386 million had been invested in the University of the Republic, as opposed to the $225 million invested in 1989.

19. In view of the increased demand for education, in the preceding four years, 48 intermediate establishments (liceos) had been established, along with a new university. English had been introduced as a compulsory subject for the first time. One hundred and twenty classes had been set up to provide training in computers at the primary and secondary level, at a cost of $25 million.

20. Private education was undoubtedly less prevalent than public education, with only 1 private for every 10 public establishments. Private schools had to follow the national curricula, and inspectors regularly monitored the private education sector, checking compliance with the national education programme and ensuring that schools met the requirements of safety, health and morality.

21. Mrs. RIVERO (Uruguay) said that teachers were directly involved in the formulation of educational plans and programmes, and all aspects of teaching through what were known as teachers' assemblies. They operated at the national level and within each educational institution, from pre-primary to university, acting as an advisory body to the Ministry of Education and Culture.

22. Although private establishments were obliged to follow the official national curricula they could offer alternative education programmes. Students opting for such alternative courses sat an examination to ensure that their level of knowledge of subjects on the national curricula was adequate.

23. The CHAIRPERSON drew attention to the issues raised under article 15 of the Covenant, which were as follows:

> "27. What practical measures are being taken to ensure the right of everyone to take part in cultural life: available funds; overall policy to promote cultural identity; role of the communications media in the promotion of participation in cultural life; information on vocational education in the field of culture and the arts?
>
> 28. What measures are being taken to ensure the application of scientific progress for the benefit of everyone, including measures to promote a healthy and pure environment?
>
> 29. What are the main measures being taken to support learned societies, academies of science and professional and other associations and to guarantee the return of scientists and artists who left Uruguay?"

24. Mrs. JIMENEZ BUTRAGUEÑO, noting that Uruguay had one of the oldest populations in Latin America, wished to know what opportunities for participating in cultural life existed for adults, and particularly the elderly, who had much to contribute in ways that could benefit the whole of society. She asked whether there were any free or cut-price cultural activities available for the elderly.

25. Mrs. RIVERO (Uruguay) said that older people were active in a cultural life that was itself very intense. Among the activities that took place she mentioned lectures organized by the Ministry of Education and Culture, conferences on various topics, artistic groupings of all branches of the arts, four radio stations and one television station. Virtually all museums were free of charge, except when staging special exhibitions, and theatres provided reduced-price tickets for both old-age pensioners and students. She added that active participation by the elderly was increasing in other areas, too, one example being the installation of a pensioner member on the board of the Central Bank.

26. Mr. CHABEN (Uruguay) gave further details of cultural activities. Some concerts - including those by the chamber orchestra, the youth orchestra, the National Dance School and others - were free; performances by the official radio orchestra were not, but pensioners paid half price. In addition each of the three regions of the country organized its own choral competition, which enjoyed wide support. Other noteworthy cultural phenomena were the theatre festival and the 125 museums. He stressed that the mass media reported widely on all cultural events; censorship did not exist in any form. He regretted that to date the Faculty of Arts at the University of the Republic was not yet able to provide an arts degree course, but it was hoped that such a course might be arranged in the coming year. Other developments in the pipeline were an art workshop, with funding from the Organization of American States, to combat art forgery, and the establishment of an audiovisual centre which would broadcast to all parts of Uruguay.

27. Mrs. RIVERO (Uruguay) said, with regard to issue No. 28, that the issue of the environment had only recently been taken up in her country, as the name of the responsible ministry - the Ministry of Housing and Environment - suggested. Work on the preparation of an environmental protection law was, however, nearing completion in Parliament. An advisory commission on the environment had been set up and had started regular meetings. No statistics on specific measures were available as yet, but various projects and programmes had been introduced.

28. With regard to issue No. 29, she said that the Ministry of Education and Culture tried to support cultural and scientific institutions through such projects as the Programme for the Development of Basic Sciences (PEDECIBA), the Repatriation and Re-attachment of Uruguayan Scientists Programme and the Common Market of Knowledge (MECCO). The first two programmes worked to promote the return of Uruguayan scientists from abroad and to provide them with the scientific and technical facilities they enjoyed abroad. With their support, development programmes had been established for training in all branches of science. MECCO had been set up following a proposal by the President of Uruguay at the General Assembly of the Organization of American States in June 1990. Supported by most countries in the region, it aimed to promote the exchange of information and joint projects in universities and research institutes in Latin America and the Caribbean.

29. Mr. CHABEN (Uruguay) added that it was a source of pride and satisfaction to his country that the United Nations Development Programme survey indicating the economic development of a country in relation to the standard of living of its people placed Uruguay first in Latin America.

30. Mr. SIMMA reverted to two questions that he had asked earlier. First, in connection with articles 13 and 14, he noted that according to table 9 on page 46 of the report real salaries had in 1988 fallen to 67.3 per cent of their value in 1973, while those of school teachers had fallen to 38.6 per cent. Such a discrepancy seemed to suggest that a pauperization of the middle classes was taking place and did not tally with Uruguay's claim that it valued its teachers. He asked what justification there was for allowing such a fall in teachers' salaries and wondered how they compared with those of civil servants, who had presumably enjoyed the same level of education at university. Secondly, in connection with article 7, with regard

to wage fixing, Uruguay had admitted to the International Labour Organisation (ILO) that it had the power to fix minimum wages, but that since virtually no worker received the minimum wage such powers were not significant. An ILO committee of experts had, however, considered that even if the numbers concerned were small the power to fix wages was contrary to the Minimum Wage-Fixing Convention, 1970 (No. 131). Moreover, it appeared, significantly, that the minimum wage of rural workers was indeed fixed unilaterally, on the grounds that such workers had no centralized union to act on their behalf.

31. Mr. GRISSA was concerned that adjustments to the minimum wage would take place after the forthcoming elections. Inflation, however, was no respecter of elections. He therefore wished to know whether wages were index-linked or could be adjusted without reference to elections.

32. Mrs. JIMENEZ BUTRAGUEÑO, reverting to a question relating to article 9 of the Covenant, asked whether there were still any groups of society that did not receive social security benefits or had less right to such benefits than any other group.

33. Mrs. RIVERO (Uruguay) regretted that she had been unable to provide all the information required by the Committee and would try to do so at a later stage. As far as minimum wages were concerned, she said that it would be constitutionally difficult, if not impossible, to present a new budget for the current year. That was not to say that adjustments would not be made to the minimum wage; as she had said before, such adjustments were automatically made every quarter. Since budgets were presented on a five-year basis, the same difficulty applied to the raising of teachers' salaries, although there was pressure to do so at the beginning of every school year, in March. She trusted that the situation would improve, beginning in 1995, when a new budget would be presented. With regard to Mrs. Jimenez Butragueño's question, she said that no one was excluded from the social security system. Everyone was entitled to a pension, even where laxity in collecting contributions had resulted in many people paying too little towards their pensions.

34. Mr. CHABEN (Uruguay) said, in reply to Mr. Simma, that the teaching profession in Uruguay had borne the brunt of the recent economic recession. However, the current restructuring of the economy, together with the scaling-down of the budget deficit and a reduction in inflation, had led to a considerable improvement in the situation. It was also true that teachers at university level had fared somewhat better than their colleagues but the difference was insignificant and there had been a strike of university teaching staff prior to the start of the current academic year. The authorities were keenly aware of the need to improve the conditions of the teaching profession as a matter of priority because of its role in the country's cultural life.

35. With regard to Mr. Simma's question regarding comparative salary scales for teachers and civil servants, the two scales were roughly equivalent in budgetary terms. Civil servants, like the middle classes as a whole, had been badly hit by the economic slump and their salaries had only recently begun to recover.

36. Although the Government had the legal authority to fix minimum wages unilaterally, it usually respected the outcome of tripartite negotiations. However, he confirmed that the State had acted unilaterally in the case of rural workers, who were not organized in trade unions, adding that in no case had the wage fixed by the authorities been less than the national minimum wage.

37. The CHAIRPERSON noted that the current stage of consideration of the report of Uruguay had been completed. The stage of adoption of concluding observations would take place in a closed meeting and the observations would be issued on the final day of the current session.

38. He thanked the delegation of Uruguay for engaging in an extended dialogue with the Committee on a wide range of issues under the Covenant.

39. Mrs. RIVERO (Uruguay) said that the delegation had been greatly impressed by the Committee's in-depth knowledge of the situation in Uruguay, which had obviously been based on careful preparatory work and detailed analysis of the report. She regretted that she had been unable to provide all the information requested but hoped that it would be made available in due course.

40. Mrs. Rivera and Mr. Chaben (Uruguay) withdrew.

ORGANIZATION OF WORK (agenda item 2) (continued)

41. The CHAIRPERSON suggested that Mr. Marchan Romero should serve with Mrs. Jimenez Butragueño and Mr. Texier on the working group that had been set up to give initial consideration to the two draft general comments before the Committee: one on disabilities and the other on the elderly and ageing. He further suggested that Mr. Grissa should serve with Mr. Simma and himself on the working group set up to consider the World Summit for Social Development.

42. Mr. ALVAREZ VITA suggested that he should also serve on the working group to consider the draft general comments.

43. It was so decided.

RELATIONS WITH UNITED NATIONS ORGANS AND OTHER TREATY BODIES (agenda item 6)

44. The CHAIRPERSON reported on a number of developments that had occurred at the fiftieth session of the Human Rights Committee. In particular, the Committee had adopted a general comment on article 27 of the International Covenant on Civil and Political Rights concerning ethnic, religious and linguistic minorities.

45. It had not given the go-ahead for the drafting of a third optional protocol that would have increased the number of rights from which there could be no derogation.

46. The Human Rights Committee had agreed to dispense with summaries of reports but had noted that its concluding observations were receiving increased attention from Governments, non-governmental organizations and other interested groups. It had therefore decided to develop those observations with a view to making them more comprehensive and systematic.

FORMULATION OF SUGGESTIONS AND RECOMMENDATIONS OF A GENERAL NATURE BASED ON THE CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES TO THE COVENANT AND BY THE SPECIALIZED AGENCIES (agenda item 7)

Draft structure for the preparation of concluding observations (M/E/C.12/1994/1)

47. Mr. Alvarez Vita took the Chair.

48. Mr. MARCHAN ROMERO introduced the working document that he had prepared at the Chairperson's request on a draft structure for the preparation of concluding observations (M/E/C.12/1994/1). Drawing on the wide experience that the Committee had accumulated over the years, he had sought to propose a standardized approach to the drafting of the final assessment of country reports.

49. Analysing the concluding observations approved at previous sessions, he had found a certain lack of logical order in the presentation of observations. He suggested a more disciplined approach that would preserve the sequential layout of the articles in the Covenant.

50. A second suggestion was to divide the section currently entitled "Introduction" into two parts, the second of which would be entitled "General evaluation of the report". The opening courtesies and comments on the level of the delegation would then be separated from more substantive comments regarding the quality of the report.

51. He had noted a close and somewhat confusing thematic relationship between sections C and D of the current model, entitled "Factors and difficulties impeding the implementation of the Covenant" and "Principal subjects of concern" respectively. There had been a tendency to include matters under "C" that belonged more properly under "D". He was therefore suggesting that they should be amalgamated into a section entitled "Factors impeding the implementation of the Covenant", which would be broken down into subsections dealing with matters of concern to the Committee.

52. Emphasizing that it was virtually impossible to apply a single structure to all States parties, he concluded that the tighter discipline of the new structure of concluding observations should be combined with a liberal measure of flexibility.

53. Mr. SIMMA congratulated Mr. Marchan Romero on his proposal, which faithfully reflected the consensus that had emerged at the previous session.

54. He noted, however, that it had been agreed on that occasion to make only the briefest reference to the level of the delegation because of the implied judgement against less well-off States parties that could not afford to send a large team of experts.

55. With regard to the suggested merger of sections C and D, he agreed that the distinction between the two was often blurred. However, he had a clear conception of what belonged under each heading. The factors covered in section C were those for which a Government could not be held accountable,

for example, natural disasters or civil war. Section D, on the other hand, was reserved for complaints about a Government's failure to live up to its responsibilities under the Covenant. That distinction could be easily maintained by entitling the new amalgamated section "Factors impeding the implementation of the Covenant and principal subjects of concern". Otherwise there might be an implication that Governments were being exonerated.

56. Mrs. BONOAN-DANDAN said that while she endorsed the general lines of Mr. Marchan Romero's draft, she thought that "Principal subjects of concern", being the crux of the Committee's observations, should be kept as a separate major heading, following the current criteria. Alternatively, a better formulation for the heading might perhaps be found, with two subheadings making the distinction indicated by Mr. Simma. Section C, "Positive aspects", was very useful because it encouraged Governments to focus on their own progress since the previous report; and she agreed that the Committee should move from general to specific recommendations in the final section E.

57. Mrs. JIMENEZ BUTRAGUEÑO said that she was not in favour of merging the factors and difficulties impeding the application of the Covenant with the principal subjects of concern. Also, with regard to section B of the draft, "General evaluation of the report", she believed that subparagraph (d) - whether the State party had submitted full and detailed information in reply to the written and oral questions by the members of the Committee - should be divided in two: satisfactory written replies to written questions and satisfactory oral replies to oral questions. She felt that delegations should always submit a written text of their answers to the Committee's laboriously drafted list of issues, as Uruguay had just done most usefully, for in an oral presentation members were deluged with important and detailed information they could not properly assimilate. Further, a State party's failure to provide such a text - as in the case of Romania - should be noted in the concluding observations.

58. Mr. WIMER ZEMBRANO, agreeing that the reference to high-level delegations should be dropped, said that he admired the logical progression of the draft, but felt that it should not necessarily be followed point by point when composing the actual concluding observations. As it stood, the proposed structure would be too long and cumbersome for the authorities in the capitals. It was excellent as an analytical guide for the evaluator, who should, however, take a synthetic approach in drafting the actual observations without touching on all possible aspects. There were times, for example, when a report by a State party showed an exemplary application of the Covenant, and there would be no point in such a case for the Committee to deal at all with factors impeding its implementation. The concluding observations should be an overall expression of the Committee's reaction to the situation in a given country and should give, above all through its suggestions and recommendations, a clear, precise and unambiguous evaluation.

59. Members should have more time to consult with each other on the draft, in order to finalize a succinct model applicable to all cases.

60. The CHAIRPERSON, speaking in his personal capacity, said that often States parties claimed in their reports that the human rights situation in their countries was ideal, when in fact that was not the case. The question then was how the Committee must express that judgement.

61. Mr. TEXIER said that he agreed that the crucial - and the most difficult - part of the concluding observations was the evaluation made in the Committee's final suggestions and recommendations, which should indicate whether the State party had engaged in an honest dialogue with the Committee in its report and its written and oral responses, and whether it was respecting its obligations under the Covenant. In so doing, the Committee must take account of both the objective difficulties facing the country and the subjective efforts made by the State party to deal with subjects of concern.

62. Mr. Marchan Romero's draft needed further discussion. Sections B and C were perfectly satisfactory, but sections D and E needed to be refined, and section E (b) should be more specific. He pointed out, for instance, that the Committee's General Comment No. 4 on the right to adequate housing, precisely because of its specificity on the question of evictions, could serve well as a guide for a value judgement under the proposed section E.

63. Mr. SIMMA said that he would agree with Mrs. Bonoan-Dandan that subjects of concern should, in fact, be dealt with under a separate heading. Actually, he felt that the proposed draft did not add too much, for government authorities would know that the substance would be found in the section dealing with subjects of concern.

64. Ms. TAYA said, with regard to section E (b), that she thought the specific recommendations should fall into two categories: an assessment of the core obligations of the State party, and suggestions on ways of improving the protection of each right under the Covenant, in the context of the given country. If a State party had not discharged all its obligations, it must plan immediately to do so, with international cooperation if necessary. Also, if the adoption of an adequate policy could improve the actual human rights situation in a country, the Committee should urge its adoption, although of course that was an internal matter for each State.

65. Mr. GRISSA said that the report of each State party must be judged on its own merits; and he thus agreed, for the reasons stated by other members, that there should be no reference to the level of the delegation sent. Countries with vastly different advantages or endemic problems could not be compared. The same applied to the presentation of the reports. The Committee could not take an a priori approach. Any model for its concluding observations must simply serve as a guide, not as a structure to be imposed. The emphasis, in any case, should be on those shortcomings which, with some effort, it was within the power of Governments to remedy.

66. The CHAIRPERSON, speaking in his personal capacity, said that he thought that a reference to international cooperation should be included somewhere in the draft, in connection with article 11 of the Covenant. Also, section E (b) should allow for the possibility that, as in the recent case of Iceland, the Committee had no criticisms to make.

67. Occasionally, there was not complete consensus in the Committee on the concluding observations on a report. At such times the indication that one or another expert had dissented on a particular point would give useful flexibility.

68. He suggested that each member of the Committee should submit comments in writing to Mr. Marchan Romero so that he could incorporate their views in his draft.

69. It was so decided.

The meeting rose at 6 p.m.